

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Ethics has met pursuant to IC 2-2.1-3-6 to recommend a Code of Ethics for the Senate, and hereby recommends that Senate Rules 87 through 96 be amended and adopted as the Senate Code of Ethics as follows:

87. It is declared that high moral and ethical standards among State Senators are essential to the conduct of free government; that the Senate believes that a code of ethics for the guidance of State Senators will help them avoid conflicts of interest in public office, will improve standards of public service, and will promote and strengthen the faith and confidence of the people of Indiana. The code is intended to protect the individual Senators while providing guidelines for all members of the Senate.

Recognizing that service in the Indiana General Assembly is a part-time endeavor and that members of the General Assembly are individuals who are active in the affairs of their localities and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their legislative compensation, the following guidelines are adopted to assist the members in the conduct of their legislative duties.

88. A Senator who is offered:

(1) an economic or investment opportunity; or

(2) a loan, gratuity, discount, favor, hospitality, or other goods or services;

by a person, shall consider, in determining whether or not to accept the offer, whether the Senator's acceptance of the offer may affect the Senator's independent legislative judgment. In so considering, the Senator shall take into account the following:

(A) whether the opportunity is being offered with the intent to influence the Senator's conduct in the performance of legislative duties; or

(B) whether acceptance of the offer would have a unique, direct, and material effect on the nonlegislative income of the Senator, a member of the Senator's immediate family or those of a partnership, corporation or business in which the Senator holds a legal or equitable interest.

Should the Senator determine that, by acceptance of the offer, the Senator's independent legislative judgment may be affected, the Senator shall refuse the offer.

89. A Senator who has a direct personal or pecuniary interest in a piece of legislation which

is so substantial as to affect the Senator's independent legislative judgment is not precluded from participating in committee and floor debate on the legislation, if the Senator publicly proclaims that interest.

90. During the course of a legislative session, a Senator may be placed in a position where the Senator has the obligation to vote on legislation in which the Senator has a direct personal or pecuniary interest. In making this decision pursuant to Rule 4 of the Standing Rules of the Senate and Orders for Government relative to the Senator's activity on the legislation, the Senator shall consider the following:

(1) Whether the Senator's interest in the legislation is so substantial as to affect the Senator's independence of judgment with respect to the legislation.

(2) To what extent the Senator's interest in the legislation mirrors the interest of the citizenry to which the Senator is directly responsible.

(3) The effect of the Senator's participation in the voting on the legislation on public confidence in the integrity of the legislature.

(4) The need of the Senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

(5) Whether the legislation would have a unique, direct, and material effect on the nonlegislative income of the Senator, a member of the Senator's immediate family or those of a partnership, corporation, or business in which the Senator holds a legal or equitable interest.

91. A Senator may request the assistance of the Senate Legislative Ethics Committee (established pursuant to IC 2-2.1-3-5) in determining the propriety of the Senator's:

(1) proposed acceptance of an offer;

(2) participation in upcoming debate; or

(3) participation in an upcoming vote.

92. Under Rule 91, the Senator shall:

(1) Prepare a written statement describing the matter requiring action or decision by the Senator and the nature of the Senator's potential conflict of interest; and

(2) Deliver a copy of the statement to the Chairman of the Senate Legislative Ethics Committee. If the Chairman is unavailable, a copy of the statement may be delivered to the President Pro Tempore.

93. If a Senator requests the assistance of the Senate Legislative Ethics Committee under Rule 91, and there is insufficient time to comply with Rule 92, the Senator shall orally inform the Chairman of the Senate Legislative Ethics Committee of the potential conflict. The matter shall then be immediately referred to the Legislative Ethics Committee for its recommendation. **The Committee shall issue an oral recommendation to the Senator making the request as soon as possible after considering the request. The Committee shall follow the oral recommendation with a written report as required by Senate Rule 95.**

94. The Legislative Ethics Committee shall meet as soon as possible and render an advisory

opinion on the question raised. Should the committee vote result in a tie, the effect will be to make no recommendation.

95. The written report of the Legislative Ethics Committee shall be forwarded to the President Pro Tempore of the Senate and the Senate Minority Leader. **Copies of the report and the written statement of the Senator making the request shall be maintained in the offices of the Majority Attorney and the Minority Attorney.** The committee's written report and the written statement of the Senator making the request under Rule 92 shall remain confidential unless the Senator making the request consents to their disclosure.

96. In addition to any meetings held under Rule 94, the Senate Legislative Ethics Committee shall meet and may recommend amendments to the code of ethics for the Senate not later than thirty (30) days after the first session day of each legislative session, pursuant to IC 2-2.1-3-6.

(Reference is to the Senate Standing Rules and Orders adopted on November 16, 2004.)

Committee Vote: Yeas 5, Nays 0.

Senator ZAKAS, Chairperson